
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

JOHNNIE W. TOMLIN,

Plaintiff,

v.

SIGNAL INTERNATIONAL,

Defendant.

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CIVIL ACTION NO. 1:11-CV-3

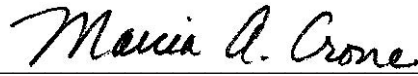
**MEMORANDUM AND ORDER OVERRULING OBJECTIONS AND ADOPTING
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

The Court referred this employment discrimination case to the Honorable Zack Hawthorn, United States Magistrate Judge, for pretrial management pursuant to an Order of Reference entered on May 21, 2012. (Doc. No. 35.) Pending is Defendant Signal International’s “Amended Motion for Summary Judgment.” (Doc. No. 28.) The Court has received and considered the report (Doc. No. 38) of the United States Magistrate Judge, who recommends that the Court grant in part and deny in part Signal International’s motion for summary judgment. Signal International was the only party to file objections (Docket No. 39) to the report and recommendation.

Pursuant to these objections, the Court has conducted a de novo review of the magistrate judge’s report and recommendation. *See* FED. R. CIV. P. 72(b)(3). After careful consideration, the Court concludes that the magistrate judge correctly determined that Plaintiff Johnnie Tomlin’s claim for unlawful termination should be dismissed, but his failure to rehire and failure to promote claims should proceed to trial. Consequently, Signal International’s objections are without merit.

It is **ORDERED** that Defendant Signal International's objections (Docket No. 39) are **OVERRULED**, the report of the magistrate judge is **ADOPTED**, and Defendant Signal International's "Amended Motion for Summary Judgment" (Docket No. 28) is granted in part and denied in part. Plaintiff Johnnie Tomlin's claim for unlawful termination is dismissed, but his failure to rehire and failure to promote claims may proceed.

SIGNED at Sherman, Texas, this 11th day of September, 2012.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE